

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 357

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO COURTS; AMENDING SECTION 1-2303, IDAHO CODE, TO REVISE PROVISIONS REGARDING WHEN AN ANSWER MUST BE FILED FOR CERTAIN CLAIMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1-2303, Idaho Code, be, and the same is hereby amended to read as follows:

1-2303. FILING OF CLAIM -- DEFAULT. (1) Upon filing a claim, the clerk shall furnish to the plaintiff a form of answer and instructions to the defendant, which among other matters shall advise the defendant that if the defendant desires to have a hearing on the matter, the defendant must sign, complete and file the answer with the clerk. The instructions also shall notify the defendant that if the defendant does not sign and file the answer within twenty-one (~~20~~1) days from the date of service on the defendant, judgment will be entered as requested in the claim.

(2) If no answer is filed within twenty-one (~~20~~1) days, judgment may be entered by the court as provided in Rule 55, I.R.C.P. If an answer is filed by the defendant, the court shall set the matter for trial or mediation by notice mailed to each party.

(3) The court shall collect in advance upon each claim the sum of thirty-three dollars (\$33.00), which shall be in addition to the costs necessary to effect service of the claim upon the defendant. This fee shall be distributed as follows: seven dollars (\$7.00) shall be paid to the county treasurer for deposit in the district court fund of the county; six dollars (\$6.00) shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fee to the state treasurer for deposit in the senior magistrate judges fund; and twenty dollars (\$20.00) shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the court technology fund.